

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

REAL VIEW, LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	
20-20 TECHNOLOGIES, INC.,)	
)	
Defendant.)	
)	
)	CIVIL ACTION NO. 07-12157
)	
20-20 TECHNOLOGIES, INC.,)	
)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
REAL VIEW, LLC)	
)	
Counterclaim Defendant, and)	
)	
BORIS ZELDIN AND LEONID PERLOV)	
)	
Additional Party Defendants)	
in Counterclaim.)	
)	
)	
)	
)	

**REALVIEW LLC, BORIS ZELDIN AND LEONID PERLOV’S
CONCISE STATEMENT OF MATERIALS FACTS IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 56.1, Realview, LLC (“Realview”), Boris Zeldin (“Zeldin”) and Leonid Perlov (“Perlov”) submit this Concise Statement of Material Facts.

1. Real View is a small software start-up company owned by Perlov and Zeldin. Real View develops, markets and licenses a product called ProKitchen.

ProKitchen is a computer-aid design (“CAD”) software program for kitchen design.

(Affidavit of Boris Zeldin in Support of Motion for Summary Judgment (“Zeldin Aff.”), par. 7).

2. 20-20 also develops, markets and licenses a kitchen design software program under the name 20-20 Design. 20-20 is a Canadian public company with over 500 employees in 14 countries. 20-20 claims it is “the world’s leading provider of computer-aided design, sales software and manufacturing for the interior design industry.” (Zeldin Aff., par. 9).

3. Both ProKitchen and 20-20 Design are used by home design and kitchen consultants to assist in kitchen design. Both programs allow vendors and consultants to prepare a kitchen design in 2-D and then show customers a detailed 3-D graphical depiction of how their kitchens will look when completed. (Zeldin Aff., par. 9).

4. 20-20 and Real View both built their programs on the graphical user interface provided by Microsoft Windows, and both programs use many of the conventions common to the Windows interface. (Zeldin Aff., pars. 19-29).

5. Real View’s product is competitive with 20-20 Design; it includes many features and functionalities found in 20-20 Design, as well as additional or different features. (Zeldin Aff., par. 9).

6. While designing ProKitchen, Real View reviewed 20-20 Design from a number of different sources - Real View downloaded a copy of 20-20 Design from the Internet, reviewed video tutorials on 20-20 Design that were available on the Internet, read information regarding 20-20 Design available on 20-20's web site, and saw 20-20 Design operate at retailers, kitchen vendors and trade shows. Real View has viewed 20-

20 Design as the dominant product in the kitchen market for computer aided design, and has attempted to provide some of the same or similar features as those provided by 20-20 Design. (Zeldin Aff., par. 11).

7. Real View released the first version of ProKitchen in early 2006. ProKitchen v. 2.0 was released in January 2007 and version 3.0 was released in February 2008. (Zeldin Aff., par. 7).

8. Real View has never had access to the source code for 20-20 Design, nor has it had any business relationship with 20-20. (Zeldin Aff., par. 15).

Respectfully submitted,

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Dated: June 3, 2009

Certificate of Service

I hereby certify that on June 3, 2009 I electronically filed the foregoing with the Clerk for the United States District Court for the District of Massachusetts by using the CM/ECF system. I certify that all participants in the case are registered CM/ECT users and that service will be accomplished by the CM/ECT system.

/s/ Lee T. Gesmer
Lee T. Gesmer